

patent owners must stand by while their patents are infringed abroad and the products of such infringement—for example, fruit or cut flowers—are then imported to and sold within the United States, without a single dime in royalty revenue to the patent owner. This is no small problem. Royalty losses with respect to some key horticultural plants have been estimated to reach between \$50 to \$100 million over the past five to ten years. This is money that rightfully should be directed to American plant patent owners—many of whom are small businesses and family farmers—and which would otherwise contribute tremendously to the U.S. economy.

Enactment of this legislation is not only good for American business and the economy, it is consistent with our international treaty obligations. The International Convention for the Protection of New Varieties of Plants (UPOV) was last revised in March 1991, and the United States signed the convention in October 1991. This convention provides protection for plant breeders by requiring member countries to accord certain plant patent rights, including specifically the right to prohibit others from selling, importing, or exporting harvested material (i.e., plant parts) derived from unauthorized asexually reproduced plants.

Mr. President, I had hoped to enact this change in the context of a comprehensive patent reform bill. I am disappointed that consideration of that bill has been blocked by a few senators with unrelated and rather non-descript objections, and that we are forced to take this measure up as a stand-alone bill. Nevertheless, I am pleased that the House has acted on this measure, and I commend the efforts of my colleague, Senator SMITH, to bring this bill to a vote in the Senate.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3830) was agreed to.

The bill (H.R. 1197), as amended, was considered read the third time and passed.

THROTTLE CRIMINAL USE OF GUNS

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 191) entitled "An Act to throttle criminal use of guns", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) *IN GENERAL*.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through the end of paragraph (1) and inserting the following:

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years;

"(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

"(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) In the case of a second or subsequent conviction under this subsection, the person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

"(D) Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.";

(2) by adding at the end the following:

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.".

(b) *CONFORMING AMENDMENT*.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RHINO AND TIGER PRODUCT LABELING ACT

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message

from the House of Representatives on the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2807) entitled "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "\$500" and inserting "\$15,000";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both."

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) *IN GENERAL*.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the